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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of:)

Free Cuba PAC and)

Mario L. del Valle, as treasurer)

MUR: 5212

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Free Cuba PAC and Mario L. del Valle, as treasurer, ("Respondents") violated 2 U.S.C. § 433(c), § 434(a)(4)(A), and § 434(b).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

- I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).
- II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondents enter voluntarily into this agreement with the Commission.
- IV. The pertinent facts in this matter are as follows:
 1. The Free Cuba PAC is a political committee within the meaning of 2 U.S.C. § 431(4) and is not an authorized committee of any candidate.
 2. Mario L. del Valle is treasurer of the Free Cuba PAC.

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3. The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that all political committees other than authorized committees of a candidate shall file quarterly reports in a calendar year in which a regularly scheduled general election is held, which shall be filed no later than the 15th day after the last day of each calendar quarter, except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year. 2 U.S.C.

§ 434(a)(4)(A)(i). In any other calendar year, a report covering the period beginning July 1 and ending December 31 shall be filed no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(4)(A)(iv).

4. The Act also requires committees to file a pre-election report, which shall be filed no later than the 12th day before any election in which the committee makes a contribution, and which shall be complete as of the 20th day before the election. 2 U.S.C. § 434(a)(4)(A)(ii). Additionally, committees must file a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election. 2 U.S.C.

§ 434(a)(4)(A)(iii).

5. All reports required to be filed under the Act shall contain the amount of cash on hand at the beginning of the reporting period, the total amount of all receipts, and the total amount of all disbursements, listed by category. 2 U.S.C. § 434(b).

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6. The Act requires that any change in information previously submitted in a statement of organization shall be reported no later than 10 days after the date of the change. 2 U.S.C. § 433(c).
 7. Respondents failed to timely file a 1999 Year End Report, which covered the period from July 1, 1999 to December 31, 1999. Respondents were required to file the 1999 Year End Report no later than January 31, 2000. Respondents filed what was designated a 1999 Year End Report on October 16, 2000, 259 days late. The report, however, was incomplete; it disclosed activity only from October 1, 1999 through December 31, 1999, when the report should have covered the period between July 1, 1999 through December 31, 1999. On July 16, 2001, the Committee amended the report to account for the gap in coverage, 532 days late. The Committee subsequently submitted other amendments to account for additional disbursements. The amended report now discloses \$38,435.00 in receipts and \$24,431.57 in disbursements.
 8. Respondents failed to timely file a 2000 April Quarterly Report, which covered the period from January 1, 2000 to March 31, 2000. Respondents were required to file the 2000 April Quarterly Report no later than April 15, 2000. Respondents filed this report on October 16, 2000, 184 days late. The report disclosed itemized receipts of \$8,600 and itemized disbursements of \$2,163. On April 26, 2001, 376 days beyond the original due date, Respondents amended this report to disclose previously unreported contributions made to candidates. Respondents have since

submitted other amendments to the schedule of disbursements on this report. The amended report now discloses receipts totaling \$8,600 and disbursements of \$14,663.24.

9. Respondents failed to timely file a 2000 July Quarterly Report, which covered the period from April 1, 2000 to June 30, 2000. Respondents were required to file the 2000 July Quarterly Report no later than July 15, 2000. Respondents filed this report on January 10, 2001, 179 days late. The report disclosed itemized receipts of \$0 and itemized disbursements of \$10,500. Respondents have since amended this report to include additional receipts and disbursements. The amended report now discloses receipts totaling \$8,050.00 and disbursements of \$10,609.86.
10. Respondents failed to timely file a 2000 October Quarterly Report, which covered the period from July 1, 2000 to September 30, 2000. Respondents were required to file the 2000 October Quarterly Report no later than October 15, 2000. Respondents filed this report on January 25, 2001, 102 days late. The report disclosed itemized receipts of \$25,405 and itemized disbursements of \$20,500. Respondents have twice amended this report to include additional receipts. The amended report now discloses receipts totaling \$47,394.
11. Respondents failed to file a 12 Day Pre-General Report, which covered the period from October 1, 2000 to October 18, 2000. Respondents were required to file the 12 Day Pre-General Report no later than October 26, 2000. In lieu of a 12 Day Pre-General Report, Respondents filed a 30 Day

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Post-General Report that disclosed itemized receipts of \$1,850 and itemized disbursements of \$7,500 during the pre-general reporting period, including contributions to candidates. These receipts and disbursements were effectively disclosed on February 26, 2001, 123 days late.

Respondents have since amended the report to include an additional receipt during the pre-general reporting period, bringing the total receipts to \$6,850.

12. Respondents failed to timely file a 30 Day Post-General Report, which covered the period from October 19, 2000 to November 27, 2000.

Respondents were required to file the 30 Day Post-General Report no later than December 7, 2000. Respondents filed this report on February 26, 2001, 81 days late. During the post-general reporting period, the report disclosed itemized receipts of \$5,050 and itemized disbursements of \$14,000.

13. Respondents failed to timely file a 2000 Year End Report, which covered the period from November 28, 2000 to December 31, 2000. Respondents were required to file the 2000 Year End Report no later than January 31, 2001. Respondents filed this report on March 6, 2001, 34 days late. This report disclosed itemized receipts of \$1,000 and no itemized disbursements.

14. Respondents failed to complete the necessary information on the summary and detailed summary pages on the 1999 Year End Report, 2000 April Quarterly Report, 2000 July Quarterly Report, 2000 October Quarterly

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Report, 30 Day Post-General Report, and the 2000 Year End Report when those reports were originally filed. Respondents have since amended their 1999 Year End Report, 2000 April Quarterly Report, and 2000 July Quarterly Report to include this summary information.

15. Respondents failed to timely file an amendment to their statement of organization denoting a change of address.

V. Respondents committed the following violations:

1. Respondents did not timely file their 1999 Year End Report, 2000 April Quarterly Report, 2000 July Quarterly Report, 2000 October Quarterly Report, 12 Day Pre-General Report, 30 Day Post-General Report, and 2000 Year End Report in violation of 2 U.S.C. § 434(a)(4)(A);
2. Respondents failed to complete the required information on the summary and detailed summary portions of the aforementioned reports in violation of 2 U.S.C. § 434(b);
3. Respondents failed to report activity for the entire period of time covered by the 1999 Year End Report in violation of 2 U.S.C. § 434(b); and
4. Respondents failed to timely file an amendment to their statement of organization notifying the Commission of a change of address, in violation of 2 U.S.C. § 433(c).

VI. Respondents will take the following actions:

1. Pay a civil penalty to the Federal Election Commission in the amount of thirteen thousand dollars (\$13,000), pursuant to 2 U.S.C. § 437g(a)(5)(A);

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2. Complete the missing information contained on the summary and detailed summary portions of all previously filed reports by filing amendments to those reports; and
 3. Send a representative who will have ongoing responsibility for the submission of the Free Cuba PAC's FEC disclosure reports to the March 2002 FEC Conference for Candidates and Party Committees in Washington, DC, as a means of educating Respondents as to their reporting obligations under the Act.

- VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.
- VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.
- IX. With the exception of attending the FEC Conference, Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

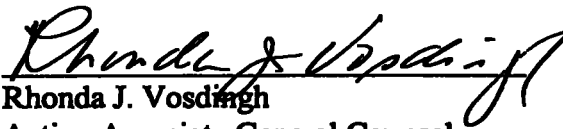
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X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence H. Norton
General Counsel

BY:


Rhonda J. Vosdingh
Acting Associate General Counsel

1/4/02
Date

FOR THE RESPONDENTS:


(Name) MARIO DEL VALLE
(Position) TREASURER

December 10, 2001
Date